

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

FILED
CLERK

12/15/2015 5:00 pm

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SHA-KING D. VEREEN, #15000108,

U.S. DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
LONG ISLAND OFFICE

Plaintiff,

-against-

ORDER
15-CV-3655 (SJF)(AYS)

NY STATE, NASSAU CTY., HEMPSTEAD
POLICE DEPT., NASSAU CTY. POLICE DEPT.,

Defendants.

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FEUERSTEIN, District Judge:

On June 22, 2015, incarcerated *pro se* plaintiff Sha-King D. Vereen (“plaintiff”) filed a complaint in this Court pursuant to 42 U.S.C. § 1983 (“Section 1983”) against New York State (“the State”), Nassau County (“the County”), the Hempstead Police Department (“HPD”) and the Nassau County Police Department (“NCPD”) (collectively, “defendants”), accompanied by an application to proceed *in forma pauperis*. On July 22, 2015, plaintiff filed an application for the appointment of *pro bono* counsel to represent him in this case. By Memorandum and Order dated October 26, 2015, plaintiff’s application to proceed *in forma pauperis* was granted; plaintiff’s motion for the appointment of counsel was denied; plaintiff’s claims against the HPD and NCPD were *sua sponte* dismissed with prejudice pursuant to 28 U.S.C. §§ 1915(e)(2)(B)(ii) and 1915A(b)(1) for failure to state a claim for relief; plaintiff’s claims against the State were *sua sponte* dismissed with prejudice pursuant to 28 U.S.C. §§ 1915(e)(2)(B)(iii) and 1915A(b)(2) as barred by the Eleventh Amendment to the United States Constitution; and plaintiff’s claims against the County, and as construed to be against the Village, were dismissed with prejudice pursuant to 28 U.S.C. §§ 1915(e)(2)(B)(ii) and 1915A(b)(1) for failure to state a claim for relief,

unless plaintiff filed an amended complaint in accordance therewith on or before December 7, 2015. Since plaintiff has not filed an amended complaint in accordance with the October 26, 2015 Order, nor sought an extension of time to do so, his claims against the County, and as construed to be against the Village, are dismissed in their entirety with prejudice pursuant to 28 U.S.C. §§ 1915(e)(2)(B)(ii) and 1915A(b)(1) for failure to state a claim for relief. The Clerk of the Court shall enter judgment in favor of defendants, close this case and, pursuant to Rule 77(d)(1) of the Federal Rules of Civil Procedure, serve notice of entry of this Order upon plaintiff as provided in Rule 5(b) of the Federal Rules of Civil Procedure and record such service on the docket.

The Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal from this Order would not be taken in good faith and therefore *in forma pauperis* status is denied for the purpose of any appeal. *See Coppedge v. United States*, 369 U.S. 438, 444-45, 82 S. Ct. 917, 8 L. Ed. 2d 21 (1962).

SO ORDERED.

/s/
Sandra J. Feuerstein
United States District Judge

Dated: December 15, 2015
Central Islip, New York